

### REMARKS

Reconsideration is respectfully requested.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

#### Paragraphs 1-9 of the Office Action

Claims 1-3 and 15-18 have been rejected under 35 U.S.C. §102(b) as being anticipated by Aragona.

Claim 1, particularly as amended, requires a vibrating means for vibrating the distal end of the rod.

The Aragona reference teaches an apparatus which receives and holds a fishing rod, which eliminates any tactile feedback for the user as well as "cast and reel" style fishing. Additionally, the Aragona apparatus teaches a system with an exposed arm (linkage assembly 20) and handle holder (24) which may pinch, catch, or injure a user. Further, the Aragona apparatus "jigs" the line being used rather than providing a vibration to inducing a vibration in the lure.

Claims 2-3 and 15-18 are dependent on claim 1, which is believed to be allowable. By virtue of dependence on claim 1, claims 2-3 and 15-18 are also believed to be allowable.

Withdrawal of the §102(b) rejection of claims 1-3 and 15-18 is therefore respectfully requested.

#### Paragraphs 10-15 of the Office Action

Claims 4-7 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Aragona in view of Yasui (USD 325,421).

Claims 4-7 are dependent on claim 1, which is believed to be allowable. By virtue of dependence on claim 1, claims 4-7 are also believed to be allowable.

Withdrawal of the §103(a) rejection of claims 4-7 is therefore respectfully requested.

**Paragraphs 16-24 of the Office Action**

Claims 8-14 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Aragona in view of Yankaitis (US 3,789,534).

Claim 8, particularly as amended, requires the vibrating assembly to be positioned within the fishing pole. Claim 13 as originally filed requires the vibrating means to be mounted internal to the handle portion of the fishing pole.

The Yankaitis reference teaches an external device. Similar to the Aragona reference, Yankaitis also teaches an exposed moving arm (48) which may pinch, catch, or otherwise injure the user.

Further, the Yankaitis reference teaches a system which is mountable adjacent to the handle portion of the fishing rod and which vibrates the line along an entire length of the fishing rod. This type of configuration with multiple fixed nodes (caused by the eyes (16)) is more likely to produce a continuous audible tone which may repel rather than attracting fish, and may even cause resonance in the rod itself. Additionally, because the vibration is induced adjacent to the handle and must travel the entire length of the rod, and damped by the user holding the handle, more energy is needed to induce an equivalent vibration to that caused by the present invention.

Withdrawal of the §103(a) rejection of claims 8-14 is therefore respectfully requested.

Paragraphs 25-37 of the Office Action

Claim 20 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Aragona in view of Yasui in view of Yankaitis in view of Daniles.

As discusses more fully above, both the Aragona and the Yankaitis references disclose inventions with external moving arms which may pinch or injure the user. Additionally, both references disclose systems requiring substantially more energy to move either the entire fishing pole or the fishing line along the entire length of the fishing pole. It is further submitted that the need to combine a multiplicity of references in an attempt to meet the claimed invention is evidence of nonobviousness. In this particular instance four references are combined. The references must suggest the proposed combination in order to establish obviousness. Not only do none of the references suggest combination with any other single reference, there is absolutely no suggestion by any reference that as many as three other references should be combined with the potential primary reference.

Withdrawal of the §103(a) rejection of claim 20 is therefore respectfully requested.

VERSION WITH MARKINGS TO SHOW CHANGES MADE:

In the Claims (bracketed parts deleted and underline parts added):

1. (Amended) A fish luring system for luring fish to a lure attached to an end of a fishing line, said system comprising:
  - a fishing pole having a rod portion and a handle portion;
  - a plurality of eyelets being mounted on said rod portion; and
  - a vibrating assembly for vibrating a first end of said rod portion of said fishing pole, said first end being distal to said handle portion, said vibrating assembly being mountable to said fishing pole.
2. (Pending) The fish luring system of claim 1, wherein said rod portion has a first end and a second end, said second end of said rod portion having a channel extending into said rod portion.
3. (Pending) The fish luring system of claim 2, wherein said handle portion is mounted on said second end of said rod portion, said handle portion having an interior with an open end extending into said interior of said handle portion;
4. (Pending) The fish luring system of claim 1, additionally including a protruding member for selectively supporting a finger of a user, said protruding member extending away from a peripheral wall of said handle portion.
5. (Pending) The fish luring system of claim 4, wherein said protruding member has a width tapering from said handle portion toward an end of said protruding member.

6. (Pending) The fish luring system of claim 3, additionally including a cap for selectively closing said open end of said handle portion, said cap having an inner surface.

7. (Pending) The fish luring system of claim 6, wherein said inner surface of said cap is threadedly coupled to an outer surface of said handle portion adjacent to said open end of said handle portion.

8. (Amended) The fish luring system of claim 1, wherein said vibrating assembly includes:

a motor adapted for rotational movement, said motor being mounted in an interior of said handle portion;

a motor shaft being rotatably coupled to and extending from said motor toward a first end of said rod portion, said motor shaft being positioned in a channel extending longitudinally in said rod portion; [and]

a cam being formed on an end of said motor shaft for selectively engaging an inner surface of said channel of said rod portion, wherein rotational movement of said motor shaft by said motor causes said cam to selectively engage said inner surface and vibrate said first end of said rod portion; and

wherein said vibrating assembly is positioned within said fishing pole.

9. (Pending) The fish luring system of claim 8, wherein said end of said motor shaft mounted on said cam being positioned generally adjacent to a central portion of said cam such that said cam travels in an eccentric circle when rotated by said motor shaft, wherein said cam causes said first end of said rod portion to vibrate,

wherein vibration of said first end of said rod portion vibrates the fishing line and an attached lure.

10. (Pending) The fish luring system of claim 8, additionally including a power supply for selectively providing power to said motor, said power supply being mounted in said interior of said handle portion, a cap for covering an open end of said handle portion.

11. (Pending) The fish luring system of claim 10, additionally including a biasing member for selectively biasing said power supply away from an interior of said cap, said biasing member being attached to a bottom surface of said cap and positioned generally between said cap and said power supply.

12. (Pending) The fish luring system of claim 8, additionally including a switch for selectively controlling said motor, said switch being depressibly mounted on a protruding portion extending away from said handle portion, said switch being electrically connected to said motor.

13. (Pending) The fish luring system of claim 1, wherein said vibrating assembly includes:

a vibrating means adapted for vibrating said fishing pole, said vibrating means being mounted in an interior of said handle portion of said fishing pole;

14. (Pending) The fish luring system of claim 13, additionally including a power supply for selectively providing power to said vibrating means, said power supply being mounted in said interior of said handle portion.

15. (Pending) The fish luring system of claim 1, wherein said vibrating assembly includes:

a vibrating means adapted for vibrating said fishing pole, said vibrating means being mounted within a housing, said housing being removably couplable to said rod portion of said fishing pole.

16. (Pending) The fish luring system of claim 15, additionally including a power supply for selectively providing power to said vibrating means, said power supply being mounted in said housing.

17. (Pending) The fish luring system of claim 15, where in said housing of has a plurality of mounting portions, each of said mounting portions selectively coupling to said rod portion of said fishing pole, said mounting portions being for transferring vibrations from said vibrating means to said rod portion of said fishing pole.

18. (Pending) The fish luring system of claim 16, wherein said vibrating assembly includes:

a switch being operationally coupled between said vibrating means and said power supply, said switch being coupled to said handle portion of said fishing pole, said switch being for selectively controlling power from said power supply to said vibrating means when said switch is actuated by a user.

19. (Pending) The fish luring system of claim 1, wherein said rod comprises a graphite rod.

20. (Pending) A fish luring system for luring fish to a lure attached to an end of a fishing line, said system comprising:

- a fishing pole having a rod portion and a handle portion, said rod portion having a first end and a second end, said second end of said rod portion having a channel extending into said rod portion, said channel extending along a longitudinal axis of said rod portion;

- said handle portion being mounted on said second end of said rod portion, said handle portion having an interior with an open end extending into said interior of said handle portion;

- said interior of said handle being in communication with said channel extending through said rod portion of said fishing pole;

- a protruding member for selectively supporting a finger of a user, said protruding member extending away from a peripheral wall of said handle portion;

- said protruding member having a width tapering from said handle portion toward an end of said protruding member;

- a cap for selectively closing said open end of said handle portion, said cap having an inner surface;

- said inner surface of said cap being threadedly coupled to an outer surface of said handle portion adjacent to said open end of said handle portion;

- a plurality of eyelets being mounted on said rod portion, each of said eyelets being spaced apart from each other, each of said eyelet being in registration with each of the other;

- a vibrating assembly for vibrating said fishing pole, said vibrating assembly including:

- a motor adapted for rotational movement, said motor being mounted in said interior of said handle portion;

- a motor shaft being rotatably coupled to and extending from said motor toward said first end of said rod portion, said motor



shaft being elongated and positioned in said channel in said rod portion;

said motor shaft comprising a substantially rigid material;  
a cam being formed on an end of said motor shaft for selectively engaging an inner surface of said channel of said rod portion of said fishing pole;

said end of said motor shaft mounted on said cam being positioned generally adjacent to a central portion of said cam such that said cam travels in an eccentric circle when rotated by said motor shaft, wherein said cam selectively engages said inner surface of said channel in said rod portion of said fishing rod, wherein said cam causes said first end of said rod portion to vibrate, wherein vibration of said first end of said rod portion vibrates the fishing line and an attached lure;

said cam comprising a substantially rigid material;

a power supply for selectively providing power to said motor, said power supply being mounted in said interior of said handle portion, said power supply being electrically connected to said motor;

a biasing member for selectively biasing said power supply away from an interior of said cap, said biasing member being attached to a bottom surface of said cap and positioned generally between said cap and said power supply; and

a switch for selectively controlling said motor, said switch being depressibly mounted on said protruding portion, said switch being electrically connected to said motor.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,



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